

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

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U.S. DISTRICT COURT
DISTRICT OF MASS.

**LEXINGTON INSURANCE COMPANY
and NATIONAL UNION FIRE
INSURANCE COMPANY OF
PITTSBURGH,**

Plaintiffs

CIVIL ACTION No. 04-11109 RGS

v.

VIRGINIA SURETY COMPANY, INC.,

Defendant.

**AFFIDAVIT OF BRENT POETSCHKE
IN SUPPORT OF PLAINTIFFS' MOTION FOR MODIFICATION
OF THE SCHEDULING ORDER
AND AN ORDER LIMITING DISCOVERY**

I, Brent Poetschke, upon oath depose and state as follows:

1. I am employed by Lexington Insurance Company ("Lexington") as a Claims Examiner. As part of my duties, I am responsible for overseeing claims files relating to the participation of Lexington and its sister company, National Union Fire Insurance Company of Pittsburgh, Pennsylvania ("National Union") in a program with an insurance broker, National Program Services, Inc. ("NPS"). Under this program, Lexington and National Union issued certain liability insurance policies in the years 2000, 2001 and 2002, to various real estate owners and property managers who were members of the National Coalition of Property Owners and Managers/Insurance Purchasing Group Association ("NCPO"). I am also responsible for overseeing

CERTIFICATE OF SERVICE

I hereby certify that a copy of the of foregoing Affidavit of Brent Poetschke in Support of Plaintiff's Motion for Modification of the Scheduling Order and an Order Limiting Discovery has been served upon all counsel of record by mailing a copy hereof, postage prepaid, addressed to:

Joseph Blute, Esq.
Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, P.C.
One Financial Center
Boston, MA 02111

DATED this 12th day of April, 2005.



Mark E. Cohen